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CHARLES J. HARDER



Named *California Lawyer of the Year in Media* (CLAY Award), 2017, *California Lawyer* magazine

Listed, Top 100 Lawyers in California, *Daily Journal* newspaper

Listed, Top 100 "Power Lawyers" in America, *The Hollywood Reporter*

"Arguably the highest-profile media lawyer in America..."

The Hollywood Reporter, September 22, 2016

The "go-to lawyer" for a "violation of a famous person's rights" "Mr. Harder's emergence as a power player happened... through a combination of grit, talent, shrewd calculation—and knowing the right people."

New York Times, May 29, 2016

"Hollywood's favourite lawyer"

Financial Times [UK], August 26, 2016

"Have a score to settle with the press? Charles Harder, the media lawyer who ground Gawker.com to dust, is your man... he doesn't hate journalists—he just wants to teach them some manners."

GO Magazine, December 2016

Charles Harder is a national litigation and trial attorney who practices in the areas of media law, First Amendment, defamation, privacy, reputation protection, entertainment, intellectual property and business litigation.

Licensed to practice in California, New York and the District of Columbia, Mr. Harder litigates cases in federal and state courts throughout the country, as well as arbitrations and administrative proceedings. His experience includes matters in a variety of industries: from representing Fortune 500 companies to some of the most famous public figures in the world, including A-list film and television actors and producers, high net worth individuals, and the President and First Lady of the United States.

Mr. Harder literally "writes the book" on some of his core practice areas, serving as Editor and Co-Author of *ENTERTAINMENT LAW & LITIGATION* (2011-18) a law treatise with in depth analysis of defamation, privacy, right of publicity, anti-SLAPP, royalty audits, copyright, trademark, employment, and insurance law.

In March 2017, Mr. Harder was named **California Lawyer of the Year** in Media (winning the CLAY Award), by *California Lawyer* magazine.

He is listed in the Top 100 Lawyers in California by *Daily Journal* newspaper.

He is listed in the Top 100 "Power Lawyers" in America by *The Hollywood Reporter* (one of only 30 litigators).

Mr. Harder has been listed repeatedly as an "IP Star" by Managing Intellectual Property, a media division of Euromoney's Legal Media Group.

In 2018, Mr. Harder defeated a defamation lawsuit filed by Stormy Daniels (real name Stephanie Clifford), which included an attorneys' fees award.

In 2017, Mr. Harder won a multi-million dollar settlement payment and full retraction and apology on behalf of his client, First Lady Melania Trump, in a defamation lawsuit against the *Daily Mail*.

In 2016, Mr. Harder won a \$140 million jury trial verdict for his client, Hulk Hogan (real name Terry Bollea), in an invasion of privacy lawsuit in Florida against Gawker Media, causing the company to file for bankruptcy.

In 2011, Mr. Harder won an \$18 million trial verdict for his client, Cecchi Gori Pictures, and obtained valuable film rights to seven motion pictures including *The Departed* and *Shutter Island*, and also defeated a \$5 million counterclaim filed by the opposing party.

In 2009, Mr. Harder won four separate ICANN domain name arbitrations on behalf of four different A-list actors. Each case involved a three-arbitrator panel, and each decision sided 3-0 for Mr. Harder's client. Links to each of these public case decisions are provided below, under "Reported Decisions."

In 2007, Mr. Harder defeated an \$11 million arbitration case on behalf of his client, UBISOFT, a Top 5 worldwide videogame publisher.

Mr. Harder has obtained numerous seven-figure and eight-figure settlements on behalf of his plaintiff-clients in recent years, and favorable settlements and defence verdicts on behalf of his

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GQ Magazine, December 2016,
Men of the Year 2016 Issue

*"If you're looking for a lawyer to
bring a publication to its knees,
[Charles] Harder's the leader in
the clubhouse."*

Above the Law, October 6, 2017

Hulk Hogan's Lead Lawyer
Explains How His Team Beat
Gawker, by Charles Harder, *The
Hollywood Reporter*, April 5,
2016

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publisher.

Mr. Harder has obtained numerous seven-figure and eight-figure settlements on behalf of his plaintiff-clients in recent years, and favorable settlements and defense verdicts on behalf of his defendant-clients.

AREAS OF PRACTICE

REPUTATION, PRIVACY, ENTERTAINMENT & IP LITIGATION

- Reputation Protection and Brand Protection
- Defamation (Libel and Slander)
- Terminating Internet Defamers, Impostors & Infringers
- Privacy Rights
- Right of Publicity (name and image infringement)
- First Amendment
- Anti-SLAPP Proceedings
- Profit Participation, Royalty and Audit Matters
- Restraining Orders and Injunctions
- Trademark Infringement and False Advertising Claims
- Copyright Infringement
- Talent Agencies Act & California Labor Commission Proceedings
- Internet Domain Name Disputes & Cybersquatting

GENERAL BUSINESS LITIGATION

- Breach of Contract
- Business Torts including Fraud, Breach of Fiduciary Duty, Constructive Fraud, Tortious Interference with Business Relations, Conversion, Unjust Enrichment and Professional Negligence
- Unfair Competition and Unfair Business Practices, including Business and Professions Code § 17200
- Trade Secrets
- Employment Litigation
- Electronic Discovery

PRESS STORIES

- Charles Harder defeats Stormy Daniels' suit vs POTUS
- Charles Harder files arbitration against Omarosa
- Charles Harder, Hollywood's favourite lawyer
- Gawker Case Calls Attention to a Go-To Hollywood Lawyer
- Charles Harder, the Lawyer Who Killed Gawker, Isn't Done Yet
- Charles Harder Files Multi-Million Privacy Suit in Wisconsin
- Juan Gabriel's heir sues for \$100 million
- Melania Trump Nets Millions, Apology in Daily Mail Settlement
- Melania Trump Defamation Suit Can Move Forward
- Melania Trump Appears in Md. Court; CBS News Legal Analysis
- VIDEO: Melania Trump Files Suit
- Hulk Hogan's Lead Lawyer Explains How His Team Beat

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- [Melania Trump Appears in Md. Court; CBS News Legal Analysis](#)
- [VIDEO: Melania Trump Files Suit](#)
- [Hulk Hogan's Lead Lawyer Explains How His Team Beat "Arrogant," "Defiant" Gawker](#)
- [Hulk Hogan wins \\$140 million jury verdict; kisses lead counsel Charles Harder](#)
- [How to Keep a Celebrity Sex Tape Off the Internet](#)
- [Hulk Hogan Sex Tape: Judge Orders Gawker to Remove Video](#)
- [Cecchi Gori Awarded \\$15 mil in Suit](#)
- [Reese Witherspoon Moves Closer to Trial Against Sears](#)
- [Sandra Bullock Settles Lawsuit Over 'Bullock Watch'](#)
- [Bradley Cooper and Liam Neeson Team Up to Sue Home Theater Companies](#)
- [Jude Law Sues Fireplace Maker for Using His Image in Ads](#)
- [George Clooney, Julia Roberts Sue to Enforce Intellectual Property Rights](#)
- [Lena Dunham Lawyers Threaten Lawsuit](#)
- [Lena Dunham's Legal Representative Asks That Leaked Book Proposal Be Taken Down](#)
- [Clint Eastwood Sues Furniture Company](#)
- [Diane, Michelle, Sandra & Mandy Feeling Very Un-PC](#)
- [Humphrey Bogart Estate Settles Lawsuit with Furniture Stores](#)
- [Julia Child Foundation Sues Thermador and DGWB Advertising](#)

REPORTED DECISIONS

- [Sandra Bullock v. Network Operations Center](#)
National Arbitration Forum, Case No. FA0906001269834
- [Cameron Diaz v. Network Operations Center](#)
National Arbitration Forum, Case No. FA0904001259470
- [Kate Hudson v. Fei Zhu](#)
National Arbitration Forum, Case No. FA0910001290319
- [Sigourney Weaver v. Stephen Gregory](#)
National Arbitration Forum, Case No. FA0904001256394
- [Arnold Schwarzenegger v. Fred Martin Motor Co.](#), 374 F.3d 797 (9th Cir. 2004)

PUBLICATIONS

- [ENTERTAINMENT LAW & LITIGATION](#), law treatise, C. Harder, Editor & Co-Author (LexisNexis 2011-17) (Matthew Bender)
- [Privacy, The First Amendment, and Hulk Hogan's \\$140.1 Million Jury Verdict](#), 43 Rutgers Comp. & Tech. L.J. 1 (2017)
- [Hulk Hogan's Lead Lawyer Explains How His Team Beat "Arrogant," "Defiant" Gawker](#), Charles Harder, *The Hollywood Reporter*, April 5, 2016
- [Schwarzenegger vs. Bobbleheads: The Case for Schwarzenegger](#), 45 Santa Clara Law Review 557 (2005)
- [Is It Curtains for Joe Camel?...](#), 16 Loyola Entertainment Law Review 399 (1995), reprinted in 20 Advertising Law Anthology (1996)

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SPEAKING ENGAGEMENTS

- Tulane Law School, Two-Day Media Law Conference "Privacy, News and the Future of Freedom of the Press"
"Panel Speaker, September 28, 2018, New Orleans, LA
- 2016 Institute on Entertainment Law and Business
USC Gould School of Law and the Beverly Hills Bar Association
Speaker: "Protecting Reputation and Privacy in the US + Europe"
October 22, 2016, USC Gould School of Law, Los Angeles, CA
- Speaker: "Power Lawyers" Panel; Moderator: Matt Belloni, The Hollywood Reporter
2016 ABA Forum on the Entertainment and Sport Industries
October 7, 2016, Cosmopolitan Hotel, Las Vegas, NV
- Panel Speaker: "Right of Publicity: Past, Present & Future"
Beverly Hills Bar Association, October 8, 2015, Beverly Hills, CA
- Speaker: "Publicity and Privacy Law in 2015," CLE Presentation,
September 1, 2015, Hanson Jacobson law firm, Beverly Hills, CA
- Board Member: Entertainment & Digital Media Symposium, July 31, 2015, Loyola Law School, Los Angeles, CA
- Speaker: "Privacy Protection: A Master Class," CLE Presentation,
September 12, 2014, Ziffren Brittenham law firm, Century City, CA
- American Bar Association, International Law Section 2013 Fall Meeting
Panel Speaker: "What are the Limitations in a Modern Democratic Society on the Freedom of Expression?"
Moderator: Lord David Neuberger, Chief Justice of the Supreme Court of the United Kingdom
October 2013, London, England
- Co-Chair: Entertainment Law and Litigation Symposium,
Sponsored by Loyola Law School and the Los Angeles County Bar Association, Entertainment Law and Intellectual Property Section (ELIPS); Three Evening Sessions, Eight Panel Discussions
November 15-December 8, 2012, Century City, CA
Moderator: Panel on Defamation and Anti-SLAPP Law
Moderator: Panel on Right of Privacy Law, Stalking & Harassment
Moderator: Panel on Right of Publicity Law
- California State Bar, "IP and the Internet" Conference
Speaker: Panel on "Practical Strategies for Dealing with Impersonation and Reputational Harm on the Internet,"
September 14, 2012, Los Angeles, CA
- Speaker: "Identifying and Terminating Online Infringers, Imposters & Defamers," CLE Presentation, September 13, 2011, Jackoway Tyerman law firm, Beverly Hills, CA

ADMISSIONS

- California (1996)
- District of Columbia (2014)
- New York (2014)

EDUCATION

- Juris Doctor (1996), Loyola Law School, Los Angeles, Dean's

1199

- Juris Doctor (1996), Loyola Law School, Los Angeles, Dean's Honor List
- Bachelor of Arts, Politics, with College Honors (1991), University of California, Santa Cruz

PRIOR AFFILIATIONS AND HONORS

- General Counsel and Vice President of Business and Legal Affairs, Load Media Network, Inc., Los Angeles (2000-2001)
- Judicial Law Clerk, Hon. A. Andrew Hauk, Senior Judge and Chief Judge Emeritus, United States District Court, Central District of California, Los Angeles (1996-97)
- Legislative Aide and Field Representative, California State Senator Herschel Rosenthal, Los Angeles, California (1991-94)
- Congressional Award awarded in 1991 by then-U.S. Representative Leon Panetta (U.S. Secretary of Defense, 2011-2013; CIA Director 2009-2011; White House Chief of Staff 1994-97; White House Budget Director 1993-94; U.S. Representative 1977-1993)

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RYAN J. STONEROCK



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RISING STARS

Ryan J. Stonerock

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Partner Ryan Stonerock litigates in state and federal courts throughout the nation including New York, Massachusetts, Georgia, North Carolina and California. He has over a decade of trial and arbitration experience in entertainment and intellectual property litigation, as well as business, finance and real estate law. Mr. Stonerock also helps to coordinate the firm's work to prevent the publication and spread of false and defamatory statements, unauthorized images and private information on behalf of numerous high profile individuals and companies. Mr. Stonerock worked closely with Mr. Harder in obtaining a full retraction, apology and multi-million dollar settlement from the Daily Mail on behalf of the First Lady of the United States Melania Trump. Mr. Stonerock also helped to recover a valuable automobile collection on behalf of the Paul Walker Estate.

Mr. Stonerock also defeated a claim at trial by a Hollywood talent agency against its former President for intentional interference with contract arising out of the failure of 5 former clients of the agency (including the original showrunner of the television show The Family Guy) to pay commissions.

AREAS OF PRACTICE

ENTERTAINMENT AND INTELLECTUAL PROPERTY LITIGATION

- Right of Publicity
- Privacy Rights, including TROs and Injunctions
- Reputation and Brand Protection
- Trademark Infringement, including Lanham Act and False Advertising claims
- Copyright Infringement, Idea Submission and Implied Contract claims
- Defamation (Libel and Slander)
- First Amendment
- Anti-SLAPP
- Profit Participation, Royalty and Audit matters
- Licensing and Merchandising
- New Media
- Terminating Internet Imposters & Infringers
- Internet Domain Name disputes & Cybersquatting
- Talent Agencies Act & California Labor Commission proceedings
- Advertising and Promotions

GENERAL BUSINESS LITIGATION

- Breach of Contract
- Business Torts including Fraud, Breach of Fiduciary Duty, Constructive Fraud, Tortious Interference with Business Relations, Conversion, Unjust Enrichment and Professional Negligence
- Unfair Competition and Unfair Business Practices, including Business & Professions Code § 17200
- Trade Secrets
- Employment Litigation



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- Real Estate Litigation
- Construction Litigation

HONORS

Named a Super Lawyers Rising Star by Southern California Super Lawyers, a Thomson Reuters business for seven years

ADMISSIONS

- California (2006)
- Ninth Circuit Court of Appeals

EDUCATION

- Juris Doctor (2006), Georgetown University Law Center, Washington, DC
- Bachelor of Science in Business Administration (2003), *Cum Laude*, University of Southern California, Los Angeles, California

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DILAN A. ESPER



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Dilan Esper has more than 20 years of experience representing both plaintiffs and defendants in entertainment, intellectual property, media, First Amendment and general business litigation in state and federal court, arbitrations, mediations, and administrative proceedings.

Mr. Esper has a law degree from the University of Southern California Law Center, where he was Order of the Coif, Editor of the *Southern California Law Review*, and Editor of the *Southern California Review of Law and Women's Studies*. Mr. Esper received a Bachelor of Science degree in Business and Pre-Legal from California State University, Los Angeles, and competed on the CSULA speech and debate team including at the CEDA National Debate Championships in Bellingham, Washington.

AREAS OF PRACTICE

ENTERTAINMENT AND INTELLECTUAL PROPERTY LITIGATION

- Trademark
- Copyright
- False Advertising
- Right of Publicity
- Privacy rights, including TROs and Injunctions
- First Amendment
- Defamation (Libel and Slander)
- Anti-SLAPP
- Profit Participation, Royalty and Audit Matters
- Internet Domain Name Disputes and Cybersquatting

GENERAL BUSINESS LITIGATION

- Breach of Contract
- Business Torts including Fraud, Breach of Fiduciary Duty, Constructive Fraud, Tortious Interference with Business Relations, Conversion and Unjust Enrichment
- Unfair Competition and Unfair Business Practices
- Trade Secrets
- TRO and Injunction Proceedings
- Electronic Discovery
- Employment Litigation

PUBLICATIONS

- (With Gregory C. Keating): *Symposium: Putting "Duty" In Its Place: A Reply to Professors Goldberg and Zipursky*, 41 Loyola Los Angeles Law Review 1225 (2008)
- (With Gregory C. Keating): *Abusing "Duty"*, 76 Southern California Law Review 265 (2006) *Note, Some Thoughts on the Puzzle of State Action*, 68 Southern California Law Review 663 (1995)

AWARDS

- Winner, Shattuck Award for Outstanding Contribution to Public



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- Winner, Shattuck Award for Outstanding Contribution to Public Service

COMMUNITY INVOLVEMENT

- Member, ACLU Foundation of Southern California, 1994
- Urban Recovery Legal Assistance (Public Counsel), 1993-1995: Assisted low-income clients displaced in the 1992 civil unrest in Los Angeles
- Member of the litigation teams in numerous public interest cases, including *Alvarez-Machain v. United States*; *Doe v. Unocal*; *Johnson v. County of Los Angeles* and *C.P.R. for Skid Row v. City of Los Angeles*. Author of amicus brief for ACLU Foundation of Southern California filed with the California Supreme Court in *Keenan v. Superior Court (Sinatra)*

ADMISSIONS

- California (1995)
- Ninth Circuit Court of Appeals

EDUCATION

- Juris Doctor (1995), University of Southern California
- Bachelor of Science, Business and Pre-Legal (1992), California State University, Los Angeles

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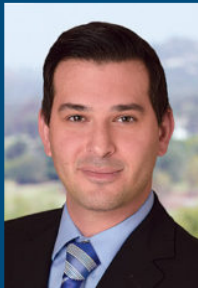
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STEVEN H. FRACKMAN



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Steven Frackman practices entertainment, intellectual property, and business litigation in federal and state courts. Prior to joining Harder Mirell & Abrams LLP, Mr. Frackman worked at a prominent Los Angeles law firm, where he represented high-profile clients, including Beats Electronics, Public Storage, and the Trustee for the Bankruptcy Estate of Billy Preston. Mr. Frackman also previously served as Judicial Extern to the Honorable Charles F. Eick in the United States District Court, Central District of California.

Mr. Frackman received his Juris Doctor from Loyola Law School, Los Angeles, in 2009, with a concentration in intellectual property law. While attending law school, Mr. Frackman served as a Production Editor for the Loyola of Los Angeles Entertainment Law Review and worked as a law clerk at MGM Studios.

AREAS OF PRACTICE

ENTERTAINMENT AND INTELLECTUAL PROPERTY LITIGATION

- Copyright
- Trademark
- Right of Publicity
- Privacy Rights
- Defamation (Libel and Slander)
- Profit Participation, Royalty and Audit Matters
- Licensing and Merchandising
- Internet and New Media

GENERAL BUSINESS LITIGATION

- Breach of Contract
- Business Torts, including, Fraud, Breach of Fiduciary Duty, Constructive Fraud, Tortious Interference with Business Relations, Conversion, Unjust Enrichment, and Professional Negligence
- Unfair Competition and Business Practices
- Trade Secrets
- TRO, Injunction, and Writ of Attachment Proceedings
- Electronic Discovery

REPORTED DECISIONS

Food Safety Net Services v. Eco Safe Systems USA, Inc. (2012) 209 Cal. App. 4th 1118

ADMISSIONS

- California, 2009

EDUCATION

- Juris Doctor (2009), Loyola Law School, Los Angeles, Deans Honor List
- Bachelor of Arts in Psychology (2005), University of Southern California, Los Angeles

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TED S. NGUYEN



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Ted Nguyen practices entertainment, intellectual property, entertainment, media, privacy and business litigation in the both federal and state courts. Before joining the firm Mr. Nguyen did a year-long appellate clerkship at a prominent Los Angeles appellate law firm. He attended Loyola Law School, Los Angeles, where he earned his Juris Doctorate with a focus on intellectual property law. He received his Bachelor of the Arts degree in criminology, law and society with a minor in political science from UC Irvine. During law school, Ted served as Editor of the Loyola of Los Angeles International and Comparative Law Review, worked as Teaching Assistant to Dean Brietta Clark.

Prior to becoming a lawyer, Mr. Nguyen was a popular photographer crafting unique imagery for celebrities, Internet influencers, and brands. Ted has over 7 years of experience navigating social media platforms to help shape the online identities for high profile clients.

AREAS OF PRACTICE

ENTERTAINMENT AND INTELLECTUAL PROPERTY LITIGATION

- Copyright
- First Amendment
- Defamation (Libel and Slander)
- Reputation Protection
- Privacy Rights
- Right of Publicity
- Trademark

GENERAL BUSINESS LITIGATION

- Breach of Contract
- Business Torts, including Fraud, Breach of Fiduciary Duty, Constructive Fraud, Tortious Interference with Business Relations, Conversion, Unjust Enrichment and Professional Negligence
- Unfair Competition and Unfair Business Practices
- Electronic Discovery

PUBLICATIONS

- *Aloeboetoe et al. v. Surin.*, 37 Loy.L.A.Int'l & Comp.L.Rev. (2015)
- *Barbani Duarte et al. v. Uru.*, 37 Loy.L.A. Int'l & Comp.L.Rev. (2015)
- *Nadege Dorzema et al. v. Dom.Rep.*, 37 Loy.L.A.Int'l & Comp.L.Rev. (2015)

ADMISSIONS

- California, 2016

EDUCATION

- Juris Doctor (2016), Loyola Law School, Los Angeles
- Bachelor of Arts in Criminology and Political Science (2011), University of California, Irvine

Exhibit K

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Moments

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Michael Avenatti

@MichaelAvenatti

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Mr. Trump may be able to engineer the outrageous firing of Mr. Rosenstein and Mr. Mueller, but he can't fire me and my client. We are not going to stop until the truth about the cover-up is fully disclosed to the American people and justice is served.




Wall Street Journal: White House building case to fire Rose...

The White House is building a case to fire Deputy Attorney General Rod Rosenstein, according to a report in thehill.com

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850

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20K



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mybloodrunsblue

@luloo_belle · Apr 14


Replying to @MichaelAvenatti

Promise me @MichaelAvenatti You won't stop until you have done everything in your power to bring the truth to the light and let the legal system work without bias.

4

76

664



Michael Avenatti


@MichaelAvenatti · Apr 14

I promise.

68

84

1.1K



Gordon Titcomb

@leGordn · Apr 14

https://twitter.com/MichaelAvenatti/status/985096562677297153

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Exhibit L

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Michael Avenatti

@MichaelAvenatti

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We are going to continue to push until we force the disclosure of all of the facts and all of the evidence.



COHEN VS. TRUMP

Michael Avenatti pushes to depose Trump after Cohen guilty plea





New reporting reveals former Trump campaign manager, Paul Manafort, sought a plea deal in his upcoming trial in D.C. but talks broke down. Michael Avenatti says...

msnbc.com

6:28 PM - 27 Aug 2018

4,704 Retweets


17,490 Likes



443

4.7K

17K



Tweet your reply



Ed Krassenstein

@EdKrassen · Aug 27

Replying to @MichaelAvenatti

Thank you!

3

27

346

https://twitter.com/MichaelAvenatti/status/1034251238596984832

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Exhibit M

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Michael Avenatti

@MichaelAvenatti

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Bloomberg: "Donald Trump's most virulent adversary."

The best compliment I have ever received. Be clear -we're not going to stop punching. We are just getting started. #FightClub

Watch the entire video at [bloomberg.com/news/videos/2018-10-23-michael-avenatti-on-donald-trump](https://www.bloomberg.com/news/videos/2018-10-23-michael-avenatti-on-donald-trump) ...



2:11

123K views

6:45 PM - 23 Oct 2018

2,004 Retweets

7,452 Likes



711

2.0K

7.5K

Tweet your reply

Susan Moreno @TotalLiv2Tweet · Oct 23

https://twitter.com/MichaelAvenatti/status/1054911712909033475

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Exhibit N

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Michael Avenatti

@MichaelAvenatti

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Below is a statement just issued relating to the litigation between Stormy Daniels and Donald Trump.

Statement Re Stormy Daniels Litigation

Earlier today, Donald Trump and his lawyer Charles Harder issued a false written statement to the press and the American public relating to Stormy Daniels' litigation against Donald Trump. Among other things, it falsely states that Judge Otero's ruling is a "total victory for President Trump and total defeat for Stormy Daniels." That statement is an outright lie.

As Mr. Trump and his lawyer Mr. Harder know, the main case relating to Ms. Daniels is the lawsuit involving the NDA and the payment of the \$130,000 by Mr. Trump and Mr. Cohen in violation of campaign finance law. That lawsuit was filed in early March, long before the defamation case. In addition, it is also the lawsuit that has generated the most public interest due to its allegations of conduct that constitutes a federal crime. Indeed, Mr. Cohen recently pled guilty to a felony relating to the facts alleged in the complaint from that lawsuit.

However, when Mr. Harder and Mr. Trump issued the statement, they purposely lied to the press and the public by claiming "total victory for President Trump and total defeat for Stormy Daniels." They failed to mention that Mr. Cohen pled guilty, that Mr. Trump has been caught lying in connection with the NDA case, that the ruling had nothing to do with the NDA case, and that Mr. Trump and Mr. Cohen have all but admitted that Ms. Daniels' claims as alleged in the lawsuit are 100% truthful and accurate. *They also failed to mention that Mr. Cohen and Mr. Trump owe Ms. Daniels significant sums of money for attorneys' fees and costs in connection with the NDA case that will far exceed any fees or costs awarded in the defamation action.*

The American public deserves far better from Mr. Trump. And Mr. Harder.

11:13 PM - 15 Oct 2018

1,836 Retweets

5,378 Likes

889
 1.8K
 5.4K

Tweet your reply

CATMAN @subzerov690 · Oct 16

Replying to @MichaelAvenatti

@MichaelAvenatti I appreciate the statement but you don't need to do that. Anyone with a brain on their shoulders knows that 99% of what trump says is a lie. Whoever doesn't think that are the group that will never change their opinion regardless.

https://twitter.com/MichaelAvenatti/status/1052079967444463616

1/1

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Exhibit O



132 S. RODEO DRIVE, FOURTH FLOOR
BEVERLY HILLS, CA 90212 • 424.203.1600

WWW.HARDERLLP.COM

October 18, 2018

VIA EMAIL

Mr. Michael J. Avenatti
Avenatti & Associates, APC
520 Newport Center Drive, Suite 1400
Newport Beach, California 92660
Email: mavenatti@eaganavenatti.com

Re: Stephanie Clifford v. Donald J. Trump – Case No. 2:18-cv-06893

Dear Mr. Avenatti:

We are writing to schedule a meet and confer conference pursuant to Local Rule 7-3 regarding defendant Donald J. Trump's upcoming motion for attorney's fees (the "Motion"). The Motion will be based upon the Court's order of October 15, 2018 granting Mr. Trump's Special Motion to Strike (the "Anti-SLAPP motion"), and Tex. Civ. Prac. & Rem. Code § 27.009, which states:

(a) If the court orders dismissal of a legal action under this chapter, the court shall award to the moving party:

(1) court costs, reasonable attorney's fees, and other expenses incurred in defending against the legal action as justice and equity may require; and

(2) sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in this chapter.

In the Motion, Mr. Trump will seek recovery of his attorney's fees and costs in connection with the Anti-SLAPP Motion, along with his fees and costs in connection with the Motion to Transfer he filed in the Southern District of New York, and the Motion. All such fees and costs were incurred by Mr. Trump in defending against Ms. Clifford's defamation action and therefore are recoverable. *See Am. Heritage Capital, LP v. Gonzalez*, 436 S.W.3d 865, 879 (Tex. App. 2014) (affirming award of attorney's fees incurred by party prior to being joined in the lawsuit that were "preparatory," which included responding to pre-lawsuit email from plaintiff, settlement negotiations and researching viability of plaintiff's potential claims against defendant, because all such fees were incurred in defending against action); *Cruz v. Van Sickle*, 452 S.W.3d 503, 526 (Tex. App. 2014) (affirming award of attorney's fees incurred after trial court's

Mr. Michael J. Avenatti
October 18, 2018
Page 2

granting of motion to dismiss under TCPA, including fees incurred to litigate motion for attorney's fees, for review of court's dismissal order and for review of plaintiff's motion for new trial, because all such fees related to defense of action).

We are available to meet and confer in person in our office tomorrow, Friday, October 19, 2018, from 9:00 a.m. to 11:30 a.m., and 2:30 p.m. to 5:00 p.m., or Monday, October 22, 2018, from 9:00 a.m. to 10:00 a.m., and 1:00 p.m. to 5:00 p.m. In the alternative, we are willing to conduct the meet and confer by telephone given that our respective offices are located over 40 miles away from each other, in different counties, and with traffic it could easily take three hours for round trip travel for one of us to meet in the same office as the other.

We look forward to your prompt response.

Sincerely,



CHARLES J. HARDER OF
HARDER LLP

cc: Ryan Stonerock, Esq.
Ahmed Ibrahim, Esq.

Exhibit P

From: Ahmed Ibrahim <aibrahim@eaganavenatti.com>
Sent: Friday, October 26, 2018 9:01 AM
To: Ryan Stonerock; Michael J. Avenatti
Cc: Charles Harder; Steven Frackman
Subject: RE: Clifford v. Trump

Counsel:

Unless you need to reschedule, I will plan on calling your office at 11. Please let me know which number to call.

Regards,

Ahmed

From: Ryan Stonerock [RStonerock@harderllp.com]
Sent: Monday, October 22, 2018 5:59 PM
To: Michael J. Avenatti
Cc: Ahmed Ibrahim; Charles Harder; Steven Frackman
Subject: RE: Clifford v. Trump

Mr. Avenatti:

In furtherance of our meet and confer regarding Mr. Trump's Motion for Attorneys' Fees, we want to make it clear that Mr. Trump will be seeking sanctions against Plaintiff pursuant to Tex. Civ. Prac. & Rem. Code § 27.009(a)(2), which requires an award of sanctions, stating in pertinent part: "(a) If the court orders dismissal of a legal action under this chapter, the court shall award to the moving party: ... (2) sanctions against the party who brought the legal action as the court determines sufficient to deter the party who brought the legal action from bringing similar actions described in this chapter." *See Also Rich v. Range Res. Corp.*, 535 S.W.3d 610, 612–13 (Tex. App. 2017) ("[W]hen a legal action is dismissed under the TCPA, an award of sanctions against the party who brought the action is mandatory under section 27.009.").

Best,



RYAN J. STONEROCK
HARDER LLP
RSTONEROCK@HARDERLLP.COM
(424) 203-1600

From: Charles Harder
Sent: Thursday, October 18, 2018 3:47 PM
To: Michael J. Avenatti <mavenatti@eaganavenatti.com>
Cc: Ahmed Ibrahim <aibrahim@eaganavenatti.com>; Ryan Stonerock <RStonerock@harderllp.com>; Steven Frackman <sfrackman@harderllp.com>
Subject: RE: Clifford v. Trump

Mr. Avenatti: Rather than sending me all of these emails, one 10 mins ago, and one 90 mins ago, why don't you just call me and we'll discuss the motion? 424-203-1600. You are wrong to say that I am refusing to meet and confer. We are wide open for the next 4 days to discuss this with you. It is you who are the one refusing to talk to me for the next 8 consecutive days. Should you make an issue of this meet and confer, we will do so as well, and I assume the Court will take it into account in ruling on the motion. Should you reconsider, feel free to call me now or at 4 PM, or let me know the date/time to talk in the next 4 days. Otherwise, it is you preventing the LR 7-3 meeting from taking place in a timely fashion. –Charles Harder

From: Michael J. Avenatti [<mailto:mavenatti@eaganavenatti.com>]
Sent: Thursday, October 18, 2018 3:37 PM
To: Charles Harder
Cc: Ahmed Ibrahim; Ryan Stonerock; Steven Frackman
Subject: RE: Clifford v. Trump
Importance: High

Charles:

I see little point in getting into a debate with you over this issue. Your refusal to meet and confer in good faith during the various cases is well documented. To be clear, we are not obligated to accommodate your unreasonable demands.

We will see you at 11:00 a.m. next Friday.

All rights are expressly reserved.

Michael

From: Charles Harder [charder@harderllp.com]
Sent: Thursday, October 18, 2018 3:25 PM
To: Michael J. Avenatti
Cc: Ahmed Ibrahim; Ryan Stonerock; Steven Frackman
Subject: RE: Clifford v. Trump

Dear Mr. Avenatti:

As you know, October 29, 2018 is the deadline imposed by Judge Otero for my client to file a motion for attorneys fees. As you also are aware, Local Rule 7-3 requires a meet and confer conference to occur at least seven (7) days prior to the last day of filing the motion. We asked you today for a time to speak, and offered you several times tomorrow and Monday. You informed us that your office is not available to speak until eight (8) days from today, which happens to be three (3) days prior to the Court-ordered deadline to file the motion. The date that you have chosen, as you know, fails to comply with L.R. 7-3. We therefore ask that you reconsider.

My office can be available for a meet and confer conference at the following dates and times:

Today: At 4:00 PM (call me at 424-203-1600)

Tomorrow: Any time between 9:00 AM and 6:00 PM, with the exception of 12:00 noon and 2:30 PM

Saturday: Any time between 1:00 PM and 5:30 PM

Sunday: Any time between 9:00 AM and 6:00 PM

Monday: At 9:00 AM, 9:30 AM, or any time between 1:00 PM and 6:00 PM

Please let me know a date and time within these time windows that you, or another attorney at your firm, are available to confer regarding our anticipated motion.

If you fail to provide us with a date and time to confer within one of the foregoing time windows, then we can proceed with an in-person meeting at my office on Friday, October 26, as you request (we are available any time between 9:00 AM and 5:00 PM) with the understanding that the meet and confer conference could not occur within the time period set forth in L.R. 7-3, **because of your schedule**, not because of our schedule. Should you then argue in your Opposition papers that L.R. 7-3 was not followed, we will point out that you were the one who prevented L.R. 7-3 from being followed. Also, if you would prefer to save yourselves the hours of drive time to and from our offices, we are willing to have the conference occur telephonically.

Sincerely,

Charles Harder



CHARLES J. HARDER

HARDER LLP
132 S. RODEO DRIVE, FOURTH FLOOR
BEVERLY HILLS CA 90212
TEL (424) 203-1600
CHARDER@HARDERLLP.COM
WWW.HARDERLLP.COM

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From: Michael J. Avenatti [<mailto:mavenatti@eaganavenatti.com>]
Sent: Thursday, October 18, 2018 2:21 PM
To: Steven Frackman
Cc: Ahmed Ibrahim; Charles Harder; Ryan Stonerock
Subject: Re: Clifford v. Trump

Thank you for your email. We are happy to meet and confer next Friday, October 26 at your offices. We are unavailable on the dates you have requested.

All rights are expressly reserved.

Thank you.

Michael

Michael J. Avenatti, Esq.

The preceding email message (including any attachments) contains information that may be confidential, protected by the attorney-client or other applicable privileges, or constitutes non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message, please notify the sender by replying to this message and then delete it from your system. Use, dissemination, or reproduction of this message by unintended recipients is not authorized and may be unlawful.

On Oct 18, 2018, at 2:14 PM, Steven Frackman <sfrackman@harderllp.com> wrote:

Counsel:

Please see the attached letter.

Best,

<image003.jpg>

STEVEN H. FRACKMAN

HARDER LLP

132 S. RODEO DR., FOURTH FLOOR

BEVERLY HILLS, CA 90212

TEL (424) 203-1600

SFRACKMAN@HARDERLLP.COM

www.HARDERLLP.com

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<CJH-Avenatti re Motion for Fees.pdf>